HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.122 of 2007

Between:

Smt. K. Nirmala and 12 others

... Appellants

And

The Government of Andhra Pradesh,
Rep., by the District Registrar,
Department of Registration and Assurances,
Ranga Reddy District and another

... Respondents

::JUDGMENT::

Counsel for the appellants : Shri P. Hemachandra for
Shri D. Seshadri Naidu

February 08, 2007

Per G.S. Singhvi, CJ

Feeling dissatisfied with the order of the learned Single Judge, who disposed of the writ petition filed by them in the matter of registration of transfer deed in respect of plots measuring 200 to 250 square yards in Survey No. 219 situated at Gajularamaram Village of Qutbullapur Mandal by directing that as and when the documents are presented by them, the registering

authority shall accept the same for registration and if for any reason, the same cannot be registered, then record and furnish the reasons, with a further direction that they may avail the remedy of appeal under Section 72 of the Registration Act, 1908 (for short, 'the Act') if they have any legitimate grievance against the decision of the registering authority, the appellants have preferred this appeal under Clause 15 of the Letters Patent.

Learned counsel for the appellants argued that the observation contained in the penultimate paragraph of the order of the learned Single Judge which are suggestive of the pendency of land grabbing case before the Special Court in respect of the same land are likely to prejudice the cause of his clients and, therefore, the said observation may be deleted and an unequivocal direction may be given to the registering authority to register the documents ignoring Section 22-A of the Act.

We have considered the submission of the learned counsel, but have not felt persuaded to entertain the appeal. There cannot by any doubt that with the striking down of Section 22-A of the Act, the said provision is not available to any of the registering authorities in the State to refuse registration of the document. However, it is not possible to pass a mandatory order for registration of the documents in respect of the land in question, because under Section

71, the registering authority has the discretion to register or not to register the document. In the event of non-registration of the document, the concerned authority is required to record reasons in writing, which have to be communicated to the affected persons who can then avail remedy of appeal under Section 72 of the Act.

In view of the above, we do not find any patent error in the order of the learned Single Judge which may justify exercise of power by the Division Bench under Clause 15 of the Letters Patent.

The submission of the learned counsel that no land grabbing case is pending before the Special Court in respect of the land in question has been recorded by us only for the purpose of clarifying that if no such case is pending, the appellants can have no cause of grievance against the observation made by the learned Single Judge.

In the result, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP No. 204 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

February 08, 2007
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